

James L. Potter and Charlene E. Potter
5721 Tropic Mist St.
Las Vegas, Nevada 89130
Telephone (702) 633-7092
Plaintiffs in Proper Person

2011 JUN 15 A 11:33

UNIT

“*It is the first time in my life that I have been so deeply moved by a speech.*”

UNITED STATES DISTRICT COURT
District of Nevada

JAMES L. POTTER and CHARLENE E.

POTTER

PLAINTIFFS

vs.

BANK OF AMERICA, N.A. and

BANK OF AMERICA HOME LOANS and

BAC HOME LOANS SERVICING LP and

MERS - Mortgage Electronic Registration

Systems

DEFENDANTS

Plaintiffs, James L. Potter and Charlene E. Potter, in proper person, file this first request for a motion to extend the Discovery cutoff date pursuant to LR26-4 from July 11th, 2011 to July 21, 2011 (10 days) to allow additional time for Defendants, Bank of America, N.A., Bank of America Home Loans, BAC Home Loans Servicing LP and MERS - Mortgage Electronic Registration Systems to respond to the written discovery served by Plaintiffs.

Plaintiffs' ask this Honorable Court to take judicial notice of the fact that we appear without counsel, are not schooled in the law and legal procedures, and are not licensed to practice law. Therefore we are requesting this motion with the following justification:

1

1

1 **Discovery Completed**

2 a) Plaintiffs acknowledge they have completed Proposed Discovery Plan and Scheduling
3 Order. Initial Disclosures were sent to Defendants prior to due date agreed upon in the Discovery Plan
4 approved by the Court.

5 **Discovery yet to be Completed**

6 a) Plaintiffs' First Set of Admissions to Defendants and Plaintiffs' First Set of Interrogatories
7 to Defendants were served on the Defendants on June 12, 2011 by mailing the same to their legal counsel.

8 b) Plaintiffs' Reply to Defendants' First Set of Requests for Admissions to Plaintiffs',
9 Defendants' First Set of Interrogatories to Plaintiffs and Defendants' First Set of Requests for Productions
10 of Documents to Plaintiffs are due July 11, 2011.

11 **Reason for Discovery time lines not completed as set forth by Discovery Plan**

12 a) Plaintiffs being in proper person and unfamiliar with Rules of Discovery were following
13 the Discovery Plan which does not clearly state that Interrogatories and Admissions were to be serviced
14 30 days prior to Discovery cutoff of July 11, 2011. Upon receiving Defendants' requests on June 11,
15 2011, Defendants' First Set of Requests for Admissions to Plaintiffs, Defendants' First Set of
16 Interrogatories to Plaintiffs and Defendants' First Set of Requests for Productions of Documents to
17 Plaintiffs, the Plaintiffs' immediately completed and mailed Plaintiffs First Set of Admissions to
18 Defendants and Plaintiffs' First Set of Interrogatories to Defendants on June 12, 2011.

19 b) Defendants being schooled in law and having resources and staff at their immediate
20 disposal only managed to serve their documents exactly at the 30 days prior to Discovery cutoff.

21 c) Plaintiffs after receiving Initial Disclosures from the Defendants had to create their own
22 log of all the documents provided by Defendants since one was not disclosed. Nor did Defendants
23 identify the location of the original documents nor in whose possession they are in. Countless hours were
24 spent logging documents only to find multiple copies of same documents were provided under different
25 DEFS numbers.

26 Whereas the Plaintiffs provided a detailed log and copies of the documents for Initial Disclosure
27 to the Defendants. Without a staff and both Plaintiffs having full time employment we judge the
28

1 Defendants actions were used maliciously to create hardship on the Plaintiffs and possibly set them up to
2 miss Discovery cutoffs.

3 Proposed Schedule for Completing all remaining Discovery

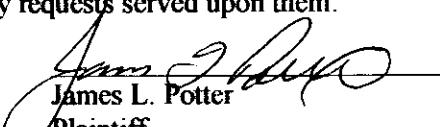
4 a) Extension of Discovery cutoff by 10 days to July 21, 2011.
5 b) Plaintiffs are on schedule to meet the 30 day cutoff to respond to the Defendants' First Set
6 of Requests for Admissions to Plaintiffs, Defendants' First Set of Interrogatories to Plaintiffs and
7 Defendants' First Set of Requests for Productions of Documents to Plaintiffs.

8 CONCLUSION

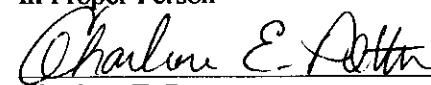
9 Plaintiffs are requesting an extension of time of the discovery cut-off date for a mere 10 days to
10 ensure that Defendants have enough time to respond to the Interrogatories and Admissions served upon
11 them on June 12, 2011. It is imperative for the just adjudication of this case and preparation for trial that
12 Defendants respond to these written requests.

13 Wherefore, Plaintiffs ask this court to grant the Request for Motion to Extend the Discovery
14 Cutoff date to July 21, 2011 to eliminate any possible decline to respond by Defendants' legal counsel and
15 to compel Defendants to answer the written discovery requests served upon them.

16 Dated June 14, 2011


James L. Potter

Plaintiff
In Proper Person


Charlene E. Potter
Plaintiff
In Proper Person

25 "IT IS SO ORDERED":



26 United States Magistrate Judge

27 Dated: 6-24-11

CERTIFICATE OF MAILING

I, Charlene E. Potter, hereby certifies that a copy of Plaintiffs' Request for Motion to Extend Discovery Cutoff Date filed on the 15 day of June, 2011, in the above-entitled case was mailed by me on June 15, 2011 by depositing copies thereof in a sealed envelope, first-class postage prepaid, in the United States mail, to

Christine M. Parvan, Esq.
Ariel E. Stern, Esq.
Jacob D. Bundick
Akerman Senterfitt LLP
400 South Fourth Street, Suite 450
Las Vegas, NV 89101

**Bank of America, N.A.
Brian Maynihan, President, CEO
100 N. Tryon St.
Charlotte, NC 28263**

Bank of America Home Loans
Barbara J. Desoer, President
1757 Tapo Canyon Road
Simi Valley, CA 93063

**BAC Home Loans Servicing, LP
400 National Way
Simi Valley, CA 93065-6285**

MERS - Mortgage Electronic Registration Systems
RK Arnold, President CEO
1818 Library Street, Suite 300
Reston, VA 20190

Dated: June 12, 2011

Charlene E. Potter
Charlene E. Potter
Plaintiff
In Proper Person